

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

D. The ~~director may establish a reasonable minimum rent to which any lease is subject, not to exceed \$100~~ is \$150 per year.

Sec. 6. 12 MRSA §1862, sub-§9, as enacted by PL 1997, c. 678, §13, is amended to read:

9. Public compensation. ~~When~~ With respect to any lease, including, but not limited to, leases for off-shore projects, when the director determines that the public should be compensated for the loss or diminution of traditional and customary public uses resulting from the activities proposed by the lessee, the director may negotiate with the lessee to provide public access improvements such as walkways, boat launching ramps, parking space or other facilities or negotiate a fee in lieu of such improvements as a condition of the lease. The determination of loss or diminution of traditional and customary public uses and appropriate public compensation must be made in consultation with local municipal officials.

Sec. 7. Application. This Act applies to new and renewal leases issued under the Maine Revised Statutes, Title 12, chapter 220, subchapter 5 after June 30, 2009 and all leases after December 31, 2009.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 9, 2009.

CHAPTER 317

H.P. 633 - L.D. 915

**An Act To Update and Clarify
Statutes Related to or
Administered by the
Department of Public Safety**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 5 MRSA §948, sub-§1, as amended by PL 2003, c. 20, Pt. R, §§5 and 6, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Public Safety. Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ are subject to this chapter:

- A. Chief, Bureau of State Police;
- C. Director, Office of State Fire Marshal;
- D. Director, Maine Criminal Justice Academy;

E. Assistant to the Commissioner for Public Information;

G. ~~Two Deputy Chiefs~~ Chief, Bureau of State Police;

H. Director, Bureau of Highway Safety;

I. Director, Maine Drug Enforcement Agency;

~~J. Assistant Director, Maine Drug Enforcement Agency;~~

K. Two majors, Bureau of State Police; ~~and~~

L. Director, Maine Emergency Medical Services;

M. Director, Bureau of Consolidated Emergency Communications; and

N. Director, Bureau of Building Codes and Standards.

PART B

Sec. B-1. 23 MRSA §6072, sub-§1, ¶A, as amended by PL 2003, c. 199, §1, is further amended to read:

A. Has met all the education and training requirements as outlined under former Title 25, section 2805, first paragraph or Title 25, ~~sections~~ section 2804-B ~~and~~ or 2804-C;

PART C

Sec. C-1. 25 MRSA §1533, as enacted by PL 2003, c. 678, §2, is repealed and the following enacted in its place:

§1533. Bureau of Consolidated Emergency Communications

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and E-9-1-1 call-taking services to municipal, county and state government entities.

1. Coordination with the Public Utilities Commission. In accordance with a designation made by the Public Utilities Commission, the department shall provide E-9-1-1 call-taking services.

2. Director; duties. The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall carry out policies and procedures established by the board. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day E-9-1-1 call-taking and dispatching services to first responders.

PART D

Sec. D-1. 25 MRSA §2801-B, sub-§1, ¶H, as amended by PL 2005, c. 139, §1 and c. 331, §6, is further amended to read:

H. The State Fire Marshal or Assistant State Fire Marshal;

PART E

Sec. E-1. 25 MRSA §2803-A, sub-§8-A, as amended by PL 2005, c. 331, §12, is further amended to read:

8-A. Training of police officers of the Bureau of Capitol Police. To establish certification standards and a training program for security police officers appointed by the Commissioner of Public Safety pursuant to section 2908. This program must include:

A. The preservice law enforcement training under section 2804-B;

B. An additional 120-hour field training program developed and approved by the board that is specific to the duties of a security Capitol Police officer; and

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E.

Security Capitol Police officers are exempt from section 2804-C;

Sec. E-2. 25 MRSA §2804-J, as enacted by PL 2001, c. 559, Pt. KK, §3, is amended to read:

§2804-J. Law enforcement training for police officers of the Bureau of Capitol Police

The following provisions govern the training and certification of security police officers appointed pursuant to section 2908.

~~**1. Security officers hired or appointed before March 1, 2002.** A security officer hired or appointed before March 1, 2002 must successfully complete, before July 1, 2003, the requirements established in section 2803-A, subsection 8-A in order to have the power to make arrests or to carry a firearm.~~

2. Police officers hired or appointed on or after March 1, 2002. A security police officer hired or appointed on or after March 1, 2002 must have successfully completed, at the time the person is hired or within the first 12 months of employment, the requirements established in section 2803-A, subsection 8-A in order to have the power to make arrests or to carry a firearm.

Sec. E-3. 25 MRSA §2901, as amended by PL 2003, c. 451, Pt. T, §4, is further amended to read:

§2901. Department; commissioner

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following: the Bureau of State Police, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Bureau of Highway Safety ~~and~~, the Maine Drug Enforcement Agency, Maine Emergency Medical Services, the Bureau of Capitol Security, the Bureau of Consolidated Emergency Communications, the Bureau of Building Codes and Standards and the Gambling Control Unit.

Sec. E-4. 25 MRSA §2901-A, as enacted by PL 1975, c. 579, §11, is amended to read:

§2901-A. Duties of commissioner

The commissioner ~~shall be~~ is the chief executive officer of the Department of Public Safety. ~~He~~ and shall coordinate and supervise the activities and programs of the bureaus and agency ~~which that~~ are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; ~~and~~ develop and implement, whenever necessary, procedures and practices to promote economy and coordination within the department; and actively seek cooperation between the department and all other law enforcement officers and agencies in the State. From time to time, ~~he~~ the commissioner shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agency and bureaus of the department as ~~he shall deem~~ the commissioner considers desirable. The commissioner shall prepare a budget for the department.

Sec. E-5. 25 MRSA §2902, sub-§7, as amended by PL 2001, c. 559, Pt. KK, §4, is further amended to read:

7. Bureau of Highway Safety. The Bureau of Highway Safety, which is under the direction of the Director of the Bureau of Highway Safety. The bureau is responsible for the State's highway safety program. The bureau is authorized to develop and implement a process for obtaining information about highway safety programs administered by other state and local agencies and to provide and facilitate the provision of financial and technical assistance to other state agencies and political subdivisions for the purpose of developing and carrying out highway safety programs; ~~and~~

Sec. E-6. 25 MRSA §2902, sub-§8, as enacted by PL 2001, c. 559, Pt. KK, §4, is amended to read:

8. Bureau of Capitol Police. The Bureau of Capitol ~~Security~~ Police, which is under the direction of the ~~Director~~ Chief of the Bureau of Capitol ~~Security~~ Police. ~~Security~~ Police officers of this bureau are those appointed by the Commissioner of Public Safety pursuant to section 2908-;

Sec. E-7. 25 MRSA §2902, sub-§9 is enacted to read:

9. Bureau of Consolidated Emergency Communications. The Bureau of Consolidated Emergency Communications, which is under the direction of the Director of the Bureau of Consolidated Emergency Communications;

Sec. E-8. 25 MRSA §2902, sub-§10 is enacted to read:

10. Maine Emergency Medical Services. The Maine Emergency Medical Services, which is under the direction of the Director of Maine Emergency Medical Services;

Sec. E-9. 25 MRSA §2902, sub-§11 is enacted to read:

11. Bureau of Building Codes and Standards. The Bureau of Building Codes and Standards, which is under the direction of the Director of the Bureau of Building Codes and Standards; and

Sec. E-10. 25 MRSA §2902, sub-§12 is enacted to read:

12. Gambling Control Unit. The Gambling Control Unit.

Sec. E-11. 25 MRSA §2903, as enacted by PL 1977, c. 37, is amended to read:

§2903. Temporary enforcement powers

The Commissioner of Public Safety, at ~~his~~ the commissioner's discretion, is authorized to grant statewide power of enforcement of the criminal laws of the State to ~~local county and municipal~~ law enforcement officers, as defined in section ~~2805~~ 2801-A, subsection 5, assigned to the Department of Public Safety for the duration of that assignment, according to procedures established for that purpose. That power ~~shall~~ may be granted only to ~~local county and municipal~~ law enforcement officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section ~~2805~~ 2804-C, subsection 1 or 5.

Sec. E-12. 25 MRSA §2904, sub-§1, as amended by PL 2001, c. 559, Pt. KK, §5, is further amended to read:

1. Commissioner of Public Safety. Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to adopt rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the capitol area or other state-controlled locations in Augusta. ~~These rules become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec.~~ Prior to adoption of new or amended rules, the commissioner shall provide notice of rulemaking to the Legislative Council. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. E-13. 25 MRSA §2906, as amended by PL 1991, c. 665, §§1 and 2, is repealed and the following enacted in its place:

§2906. Rules

1. Rules. The Commissioner of Public Safety is authorized and empowered to make and enforce rules, subject to the approval of the Governor, governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta.

2. Fees. The Commissioner of Public Safety may by rule establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within specified periods of time. These rules may provide that a vehicle unlawfully parked is prima facie evidence of the unlawful parking of the vehicle by the person in whose name the vehicle is registered. The specified fee for any violation must be at least \$10.

Rules adopted pursuant to this section are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. E-14. 25 MRSA §2908, as repealed and replaced by PL 1989, c. 857, §59, is repealed and the following enacted in its place:

§2908. Police officers; powers and duties; cooperation

1. Appointment of police officers. The Commissioner of Public Safety may appoint and employ police officers, subject to the Civil Service Law. The specific duties and powers of police officers appointed and employed are to patrol the public ways and parking areas, to provide security for all parks, grounds, buildings and appurtenances maintained by the State in the capitol area and other state-controlled locations designated by the commissioner and to enforce any rules adopted pursuant to this chapter. The commissioner may expand the duties and powers of police

officers in the capitol area, other state-controlled locations and public ways designated by the commissioner beyond the duties and powers enumerated in this section to investigate, prosecute, serve process on and arrest violators of any law of this State. Police officers may issue summons in the course of their duty to enforce this section. The commissioner may grant statewide power of enforcement of any law of this State to police officers described in this subsection. That power may be granted only to police officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section 2804-C, subsection 1 or 5. The commissioner shall provide forms and standard operating procedures to police officers to carry out their functions under this section.

2. Cooperation of other law enforcement agencies. The State Police, sheriffs, deputy sheriffs, constables and municipal police officers shall, as much as possible, cooperate with the police officers appointed and employed under this section in the enforcement of rules adopted pursuant to this chapter and any law of this State.

Sec. E-15. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "capital security officer" appear or reference is made to a security officer appointed by the Commissioner of Public Safety pursuant to the Maine Revised Statutes, Title 25, section 2908, they are amended to read or mean, as appropriate, "Capitol Police officer" or "police officer appointed by the Commissioner of Public Safety pursuant to Title 25, section 2908," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. E-16. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Bureau of Capital Security" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Bureau of Capitol Police," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART F

Sec. F-1. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2007, c. 348, §18, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;

- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Conservation vehicle operated by a forest ranger;
- (5) A Department of Conservation vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a ~~capital security~~ police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202; and
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator.

See title page for effective date.